

In the  
Indiana Supreme Court



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR MONTGOMERY COUNTY )

Case No. 54S00-1402-MS- 130

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Montgomery Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule. They also request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan

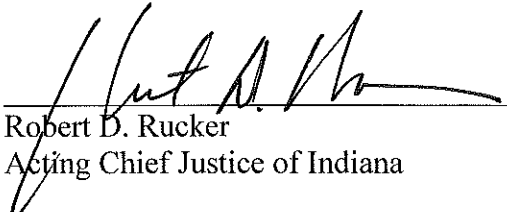
Upon examination of the proposed rule amendment requested by the Montgomery Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR54-CR2.2-1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website. The Court further finds that the caseload allocation plan for Montgomery County should be re-approved

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR54-CR2.2-1 for Montgomery Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective March 1, 2014, and that the caseload allocation plan for the county is reapproved. The Clerk of this Court is directed to forward a copy of this Order to the Hon. David A. Ault, Montgomery Superior Court, 100 East Main Street, Crawfordsville, IN 47933-1715; the Hon. Peggy L. Quint Lohorn, Montgomery County Court, 100 East Main Street, #302, Crawfordsville, IN 47933-1715; to the Hon. Harry Siamas, Montgomery Circuit Court, 100 East Main Street, Crawfordsville, IN 47933-1715; to the Clerk of the Montgomery Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Montgomery Circuit and Superior Courts is directed to enter this Order

and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on February 23, 2014.



Robert D. Rucker  
Acting Chief Justice of Indiana

## **LR54-AR00-1**

### **Civil Case Assignments**

Civil actions and proceedings in the Montgomery Circuit and Superior Courts shall be assigned among the courts as follows:

A. Montgomery Circuit Court: Any civil actions or proceedings and all juvenile actions or proceedings.

B. Montgomery Superior Court 1: Any civil actions or proceedings; all probate actions or proceedings; and all civil domestic relations proceedings in which the Prosecuting Attorney has appeared pursuant to 42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings).

C. Montgomery Superior Court 2: All civil cases founded on contract or tort in which the claim does not exceed the statutory small claims jurisdictional amount; all possessory actions between landlord and tenant in which the claim does not exceed the statutory small claims jurisdictional amount; all actions for possession of property where the value of the property sought to be recovered does not exceed the statutory small claims jurisdictional amount; all infraction and ordinance violation cases; any civil action; and any juvenile proceeding, or probate proceeding transferred from Circuit Court or Superior Court 1.

*(Amended effective January 1, 2102)*

## **LR54-CR2.2-1**

### **Case Assignment**

A. All traffic, infraction, misdemeanor, ordinance violation, nonsupport, Class D felony offenses against property, and motor vehicle license-related cases shall be assigned to the Montgomery Superior Court 2.

B. All Class D felony drug and alcohol cases and all misdemeanor drug and alcohol cases with habitual substance offender charges shall be assigned to the Montgomery Superior Court 1.

C. All murder, Class A, B and C felony cases shall be assigned to the Montgomery Circuit Court.

D. All criminal cases not otherwise included in the above allocation among the courts, such as offenses against general public administration (Ind. Code 35-44.1), offenses against public health, order and decency (Ind. Code 35-45), and miscellaneous offenses (Ind. Code 35-46), shall be allocated equally among the three courts.

E. If there is a conflict as to which court a case should be assigned pursuant to the foregoing rules, the case shall be assigned according to the highest class of felony charged.

F. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

G. This Case Assignment rule notwithstanding, consistent with LR 54-CR2.3-2, cases may be transferred from one court to another as may be appropriate.

*(Amended effective March 1, 2014)*